

### **REMARKS**

The following Remarks are made in response to the Office Action No. 8, mailed April 10, 2003. Applicant has included herewith a petition for a three-month extension of time.

Claims 1, 3-14 and 16-25 are pending in the application. Claim 1 has been amended incorporating therein the limitations of Claim 2. Claim 13 has been amended incorporating therein the limitations of Claim 15. Claims 2 and 15 have been canceled. Claim 21 has also been amended. Applicant respectfully requests reconsideration of the application in view of the following remarks.

#### **Claims 1-4 And 9 Are Patentable Over Peta And West**

In the Office Action, Claims 1-4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peta in view of West. The Office Action maintains that the Peta reference discloses the claimed invention including a transition plate. The Office Action then alleges that although the Peta reference does not disclose the use of side panels, West discloses such an arrangement and it would have been obvious to provide the cover arrangement of Peta with side panels as taught by West in order to enhance the protection of the interior of the golf cart. Reconsideration of this rejection is respectfully requested.

Claim 1 as amended herein requires a protective compartment having left and right side curtains and a protective bag cover with a pair of rear side flaps that extend between the side curtains and the bag cover front edge on opposite sides of an area of the golf cart between the passenger compartment and the golf bag storage compartment. The rear side flaps extend downward a distance that partially covers over the area between the passenger compartment and the golf bag storage area while permitting access to that area. Neither the Peta nor the West reference shows or suggests a similar structure.

The Office Action refers to the structure in Peta indicated as reference character 30 as corresponding to the side flaps recited in the claim. However, this structure is part of the bag cover and is used to enclose and protect the rear golf bag storage area, not the area between the passenger compartment and the rear golf bag storage area. The cover 30 and the portions thereof indicated at reference character 60, 62 only provide protection over the sides of the rear golf bag storage area. There is no showing or suggestion in Peta of arranging this feature to extend forward of the J-bar 40 so as to protect the sides of the golf cart between the passenger compartment and the rear golf bag storage area as recited in claim 1.

Moreover, the references cannot be combined in the manner alleged. The Peta reference shows a rear golf bag covering which is attached directly to the rear edge of the golf cart roof. In the West reference, the rear curtain is attached to the golf cart through the use of suction cups placed on the top of the roof. Extending from the suction cups are lanyards that extend over the rear edge of the golf cart roof to hold the curtain in position. The idea behind the curtain arrangement shown in the West reference is to provide a method to removably attach the curtain to the golf cart. Specifically, Figure 4 of the West reference shows a rear panel where elastic strips 15 releasably attach to the suction cups 14 positioned on the top of the roof. The elastic strips and suction cups support the rear curtain and allow it to be removably attached to the golf cart.

If the Peta bag covering were attached to the golf cart having the curtain of West installed thereon, the mechanical fasteners used in the Peta reference to secure the bag covering to the rear edge of the roof would be directed through the rear curtain of West. The rear curtain of West would then be sandwiched between the awning track 24 of the Peta reference and the rear edge of the golf cart roof and would prevent the rear curtain of West from being removably attached to the golf cart. This would render the West invention inoperative. Accordingly, there is no suggestion to combine the West and Peta references in the manner alleged.

Additionally, the West reference discloses a system of curtains which extend from the top roof of the golf cart to substantially enclose the passenger compartment. It is not clear from the West reference how the rear curtain integrates with the canopy support posts or the area of the golf cart between the passenger compartment and the rear golf bag storage area. As shown in Figure 4 of the West reference, the rear curtain is a continuous piece of material with no slots or holes through it. Additionally, the bottom portion of the rear curtain 19 has horizontal elastic strips with suction cups that appear in Figure 1 to attach to the rear golf bag storage area of the golf cart. Thus, the arrangement of side curtains and rear curtains as shown in Figure 1 of the West reference would enclose not only the passenger compartment but also the area immediately behind the passenger compartment and the rear golf bag storage area. This would hinder access to the area immediately between the passenger compartment and the golf bag storage area unlike the arrangement of side flaps recited in claim 1 which provides access to this area.

Further, because the arrangement of the side curtains and the rear curtains covers the area behind the passenger compartment between the golf bag storage area, there is no need to provide side flaps which extend between the side curtains and the rear bag cover to protect the area between the golf bag storage area and the passenger compartment. For these reasons, it is submitted that it would not be obvious to combine the Peta and West references in the manner alleged in the Office Action and withdrawal of the rejection is respectfully requested.

Claim 2 has been canceled.

Claims 3 and 4 have been amended herein to depend from Claim 1 and are patentable over the Peta and West references for the same reasons stated above with respect to Claim 1.

Claim 9 depends from Claim 1 and is patentable over the Peta and West references for the same reasons stated above with respect to Claim 1.

**The Claims Are Patentable Over Showalter**

In the Office Action, Claims 1, 2, 4-7, 9, 13-14, 17, 19-21 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Showalter. The Office Action states that the Showalter reference discloses the claimed invention including side panels and a rear panel and a protective bag covering including side flaps. Reconsideration of this rejection is respectfully requested.

The Showalter reference fails to identically show each element recited in the claims and therefore the claims are patentable over the Showalter reference. Claim 1 as amended herein requires a frame and a fabric covering overlying the frame where the frame is movable between an extended position in which the rear golf bag storage area is covered and a retracted position in which the rear golf bag storage area is exposed. The Showalter reference fails to show similar subject matter. In the Showalter reference, a back cover 36 extends from the roof and completely encloses the golf bag storage area. Column 4, lines 57-60. The back cover 36 has no frame to support the cover and the bottom edge of the rear cover is not suspended over the golf bag storage area when the frame is in its extended position. The claimed invention provides the advantage of a conveniently retractable cover that extends to a position above the rear golf bag storage area. As recited in claim 1, in this position, the rear edge is suspended above the rear storage area, thus providing protection to the golf bag storage area with ready and convenient access.

The bag cover shown in the Showalter reference must be removed and curled upward to allow access to golf clubs in the rear golf bag storage area. The recited invention provides the advantage of a more convenient method of access where the frame may be moved to the retracted position to allow access to golf clubs stored in the golf club storage area without having to roll up a back cover as shown in the Showalter reference. For these reasons, it is submitted that Claim 1 is patentable over the Showalter reference.

Claim 2 has been cancelled.

Claims 4-7 and 9 depend from Claim 1 and are patentable for the same reasons stated above with respect to Claim 1.

Claim 13 has been amended herein to include the subject matter of Claim 15. Claim 15 was previously indicated as being allowable and it is submitted that Claim 13 as amended herein is patentable over the Showalter reference.

Claims 14, 17, 19 and 20 depend from Claim 13 and are submitted to be patentable over the Showalter reference.

Claim 21 has been amended herein and recites similar subject matter to that of Claim 1. For the same reasons stated above with respect to Claim 1, it is submitted that Claim 21 is patentable over the Showalter reference.

Claim 25 depends from Claim 21 and is also submitted to be patentable over the Showalter reference.

#### **The Claims Are Patentable Over West**

In the Office Action, Claims 13, 16-17 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by West. Reconsideration of this rejection is respectfully requested. Claim 13 has been amended to include the limitations of Claim 15 which was previously indicate as being allowable. It is submitted that Claim 13 is now in condition for allowance.

Claims 16-17 and 19-20 depend from Claim 13 and it is submitted that these claims are also patentable over West and in condition for allowance.

#### **The Claims Are Patentable Over Showalter In View Of Tyrer And Showalter In View Of Nation**

In the Office Action, Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Showalter in view of Tyrer (Claim 8) or Nation (Claim 11). Reconsideration of these rejections is respectfully requested. As set forth above, Claim 1 is patentable over the Showalter reference. Claims 8 and 11 depend from Claim 1 and for the reasons stated above with respect to Claim 1, these claims are submitted to

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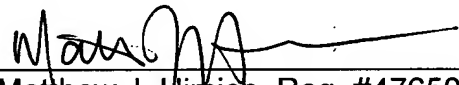
be patentable over the Showalter reference when viewed in combination with either the Tyrer or Nation reference.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is submitted that the above-referenced application is in condition for allowance and notification to that affect is earnestly solicited at the Examiner's earliest convenience. The Examiner is invited to contact the undersigned by telephone if any other matters require resolution prior to notification of allowance.

Respectfully submitted,

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